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| 09/129,468 | 08/04/1998 | MICHAEL W. PFEIFFER | S01.12-0448 | 4542 |

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EXAMINER

| | |
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| ART UNIT | PAPER NUMBER |
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DATE MAILED: 03/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliance
With 37 CFR 1.192(c)**

Application No.

09/129,468

Applicant(s)

PFEIFFER ET AL.

Examiner

Minh Trinh

Art Unit

3729

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 19 December 2003 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☒ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☒ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☒ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☒ A single ground of rejection has been applied to two or more claims in this application, and
 - (a) ☒ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet


M. Trinh, Examiner Group 3700

Regarding item 1: a) The brief is defective because the three copies of the Brief required have not been submitted .
b) The brief contains unnecessary informations such as "description of references relied by the examiner".
c) The brief defective because the three copies of the Brief have not been submitted (see 37 CFR 1.192(a).

Regarding item 2: The brief does not identify the status of the claims in the following format : for examples: pending claims = 1-15 and 21-28, claims cancelled =16-20, and appealed claims = 1-3, 21, 27 and 28.

Regarding item 3: The status of the amendment should be revised to concisely and read as : the after final amendment filed (dated)I has been entered.

Regarding item 4: a) The summary of the invention is deficient because it is not comply with MPEP § 1206 inasmuch it is anything but a concise explanation of the invention, which is defined by the claims involved in the appeal. "Concise" as defined by Webster's New Dictionary, 3rd College Edition (1998) means short and clear i.e.brief and to the point. It is noted that the summary of invention should preferable to read on the claimed subject matter on the appealed claims i.e., simply and concisely to the point instead of reading from a multiple embodiment from their specification i.e., the summary does not described the feature such as a carousel coupling device as recited in claim 1, line 4-6, and what is this feature in reference to their drawings .

b) As best understood, applicants seem to provide a number of structural features that are not found in the appealed claims such as a vacuum supply or vacuum source 269 in reference to Figs. 7 and 5 . These particular structural features do not read on the claimed subject matter as recited in the appealed claims. Therefore, the summary of the invention fails to provide a concisely explanation of the invention.

Regarding item 5: The brief does not contain a concise statement of the issues present for review because the appealed claims being rejected under a single ground rejection 102(e) based on Chuang. Therefore the statement under the issues should be limited to one.

Regarding item 6: The grouping of the claims presented by the brief appears to be incorrect . because there is no statement that explanation of why the claims of the group do not fall together, and why the claims of the group are believe to be separated (see item 6 (a). Appropriate correction is required.



M. Trinh
Examiner Group 3729
3/02/04